

REMARKS

Reconsideration of all grounds of rejection and allowance of the pending claims are respectfully requested in light of the above amendments and the following remarks. Claims 1-10, as shown above, remain pending herein.

(1) Claims 1-2, 4-5 and 7-10 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Oh (U.S. 5,353,376).

Applicants have amended base claims 1 and 8, 9 and 10 to recite in part that a processor comprises a scaling means for weighting the plurality of input signals and is operable to derive a plurality of processed audio signals from the plurality of input audio signals. Preferably, the controller limits a combined power gain measured of the audio signals with a scaling factor corresponding to the scaling means. By not measuring energy transfer at each site where one respective audio source of the plurality of audio sources receives the input audio signals.

It is respectfully submitted that Oh fails to disclose or suggest the above claimed features. In particular, Applicants respectfully disagree with the allegation on page 5 of the Office Action that the array of microphones 10 disclosed by OH correspond to “a scaling means” as recited in the presently claimed invention. The array of microphones 10 disclosed by Oh does not scale (i.e. weight) the input signals. Applicants respectfully refer to Fig. 1 of the present invention, wherein there are microphones 4 and 6, and scaling means 10, 12 (and further scaling means 14, 16 for that matter). The scaling means 10, 12 receive input signals from the array of microphones and are part of the

processing, not a passive microphone array as in Oh. Applicants respectfully submit that the Office Action is incorrect in applying a definition of “scaling means” that is not commensurate with the instant specification (please see *In re Donaldson* for the proper application of the scope of a means plus function element during patent prosecution).

For at least the above reasons, none of the instant claims would have been anticipated by Oh. Applicants also respectfully submit that none of the instant claims would have been obvious to a person of ordinary skill in the art at the time of invention. Reconsideration and withdrawal of this ground of rejection are respectfully requested.

(2) Claims 3 stands rejected under 35 U.S.C. §103(a) over the combination of Oh in view of Kellermann (U.S. 5,602,962). Applicants respectfully traverse as claim 3 is believed to be allowable at least for dependence on claim 1, which for the reasons above, is believed to be allowable. The combination of Oh and Kellermann fails to even disclose or suggest all the elements recited by Applicants base claim 1, let alone render claim 3 to be obvious. Reconsideration and withdrawal of this ground of rejection are respectfully requested.

(3) Claim 6 stands rejected under 35 U.S.C. §103(a) over Oh in view of Kaneda (U.S. 4,536,887). Applicants respectfully traverse this ground of rejection.

Applicants respectfully submit that instant claim 6 is believed to be allowable at least for dependence on claims 5 and 1, which for the reasons above, are believed to be allowable. The combination of Oh and Kaneda, with or without Kellermann, fails to even disclose or suggest all the elements recited by Applicants base claim 1, let alone render claim 6 to be obvious. Reconsideration and withdrawal of this ground of rejection are respectfully requested.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

Dan Piotrowski
Registration No. 42,079



Date: November 20, 2003

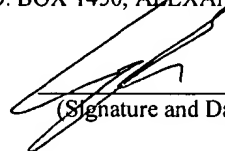
By: Steve Cha
Attorney for Applicant
Registration No. 44,069

Mail all correspondence to:
Dan Piotrowski, Registration No. 42,079
US PHILIPS CORPORATION
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
Phone: (914) 333-9624
Fax: (914) 332-0615

Certificate of Mailing Under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to MAIL STOP NON-FEE AMENDMENTS, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA. 22313 on November 20, 2003.

Steve Cha, Reg. No. 44,069
(Name of Registered Rep.)

 11/20/03
(Signature and Date)